

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

March 1, 2004

C042445 LEWIS v. LEWIS

BY THE COURT:

Appellant's request to publish the opinion filed on February 18, 2004, is denied.

DAVIS, Acting P.J.

**C044894 BROWN v. THE SUPERIOR COURT OF SACRAMENTO COUNTY and
CYCLON CORPORATION et al. (Certified for Publication)**

The petition is granted. Let a peremptory writ issue directing the respondent court to: (1) vacate its order granting the application of real party in interest Cyclon Corporation under Code of Civil Procedure section 708.470; and (2) reconsider that application in the light of this opinion.

Petitioner Michael E. Brown shall be entitled to recover his costs in this proceeding. (Cal. Rules of Court, rule 56.4(a).)

ROBIE, J.

We concur: Nicholson, Acting P.J.

Raye, J.

March 2, 2004

At 10:33a.m., the court met at Amador High School, Sutter Creek, California for a special court calendar session. Present were Scotland, Presiding Justice; Morrison, Associate Justice; Robie, Associate Justice and Thornton, bailiff.

C042763 THE PEOPLE v. WILLIAMS

Cause called. George L. Schraer argued for appellant. Maggy Krell argued for respondent. Cause submitted.

At 11:13 a.m., the court recessed. At 11:16 a.m., the court reconvened.

**C042915 PROTECT THE HISTORIC AMADOR WATERWAYS v. AMADOR WATER
AGENCY**

Cause called. J. William Yeates argued and Mary U. Akens appeared only for appellant. Alan B. Lilly argued for respondent. Cause submitted.

At 11:53 a.m., the court adjourned until 9:30 a.m., Monday, March 22, 2004.

C044285 THE PEOPLE v. LUND (Not for Publication)

The judgment is affirmed.

ROBIE, J.

We concur: Blease, Acting P.J.

Raye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

March 2, 2004, continued

- C044294 THE PEOPLE v. NJIRICH (Not for Publication)**
The judgment is affirmed.
SIMS, Acting P.J.
We concur: Raye, J.
Morrison, J.
- C041796 HANSHAW et al. v. LONG VALLEY ROAD ASSOCIATION et al. (Certified for Publication)**
The judgment is affirmed.
MORRISON, J.
We concur: Davis, Acting P.J.
Raye, J.

March 3, 2004

MISC. ORDER 2004-001

BY THE COURT:

Associate Justice Coleman A. Blease is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 75, 76, 77, and 78, during the absence of the Presiding Justice from the court on March 10, 2004, through March 11, 2004, or until his return. (See Cal. Const, Art. 6, Sec. 3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

SCOTLAND, P.J.

- C042504 WELLS, etc., et al. v. ONE2ONE LEARNING FOUNDATION et al. and STATE OF CALIFORNIA (Certified for Publication)**
The judgment is reversed and remanded for further proceedings. The trial court is directed to vacate that part of its order sustaining the demurrers without leave to amend as to the first cause of action for violations of the False Claims Act and directed to overrule the demurrer as to that cause of action. Plaintiffs shall recover their costs on appeal. (Cal. Rules of Court, rule 27(a).)
ROBIE, J.
We concur: Nicholson, Acting P.J.
Raye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

March 5, 2004, continued

- C039704 THE PEOPLE v. JAM (Not for Publication)**
The judgment is reversed.
Hull, J.
We concur: Davis, Acting P.J.
Raye, J.
- C041095 THE PEOPLE v. NELSON (Not for Publication)**
The order of probation is modified... As modified, the defendant's conviction is affirmed. The trial court is directed to amend its records to reflect this modification of the order of probation.
BLEASE, Acting P.J.
We concur: Raye, J.
Robie, J.
- C041266 THE PEOPLE v. RATHBUN (Not for Publication)**
The judgment is affirmed.
ROBIE, J.
We concur: Sims, Acting P.J.
Hull, J.
- C042260 THE PEOPLE v. COOPER (Not for Publication)**
The judgment is affirmed.
HULL, J.
We concur: Blease, Acting P.J.
Raye, J.
- C042267 THE PEOPLE v. TORRES (Not for Publication)**
The judgment is affirmed.
BUTZ, J.
We concur: Davis, Acting P.J.
Hull, J.
- C043590 THE PEOPLE v. GARCIA (Not for Publication)**
The judgment is reversed.
BUTZ, J.
We concur: Davis, Acting P.J.
Morrison, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

March 5, 2004, continued

- C044164 THE PEOPLE v. MUNOZ, JR. (Not for Publication)**
The judgment is affirmed.
BUTZ, J.
We concur: Nicholson, Acting P.J.
Raye, J.
- C044548 THE PEOPLE v. SHERMANTINE, JR. (Not for Publication)**
The judgment is affirmed. The trial court shall prepare a corrected abstract of judgment that accurately reflects a conviction of possessing a firearm by a felon in case No. SF0877488A and to forward a certified copy to the Department of Corrections.
HULL, J.
We concur: Davis, Acting P.J.
Butz, J.
- C044218 LYNCH v. SUPERIOR COURT OF SACRAMENTO COUNTY and THE PEOPLE (Not for Publication)**
Let a peremptory writ of mandate issue directing respondent court to vacate its order allowing the People to amend the complaint and thereafter to sentence defendant to the 60-day jail term specified in the plea agreement. The stay previously entered is vacated.
BLEASE, Acting P.J.
We concur: Hull, J.
Robie, J.
- C041896 KILE et al. v. MOORE et al.**
BY THE COURT:
Appellants' application to recall the remittitur issued February 24, 2004, is denied.
MORRISON, Acting P.J.